



MARICOPA COUNTY JUSTICE COURT

If you want to file a...

FORCIBLE DETAINDER/ SPECIAL DETAINDER

COUNTERCLAIM

© Justice Court in Maricopa County
June 23, 2005
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FORM (#)





MARICOPA COUNTY JUSTICE COURT

A Counterclaim is a claim made by the defendant against the plaintiff. A Counterclaim should be filed at the same time the defendant's Answer is filed (Refer to the Forcible Detainer Answer packet).



A COUNTERCLAIM may be considered in a Forcible Detainer action **ONLY IF** the Counterclaim is the result of the landlord's **BREACH OF THE RENTAL AGREEMENT** or the Arizona Residential Landlord and Tenant Act. The allegations of the Counterclaim will be considered and decided at the time of trial.

If the amount of your Counterclaim **EXCEEDS \$10,000.00** the case will immediately be **TRANSFERRED TO THE SUPERIOR COURT** and appropriate filing fees will be assessed by the Superior Court before processing can commence.

Please STOP...

	If you have not been served with a Forcible Detainer Summons and Complaint.
	If your court appearance date has passed or if there has been a judgment entered.

Please PROCEED...

	If you have a claim against the plaintiff due to a breach of contract and/or the Arizona Residential and Tenant Act.
	If you are filing your Answer with the Counterclaim.



MARICOPA COUNTY JUSTICE COURT

FORMS Needed:

✓	Counterclaim (Forcible/Special Detainer) form
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INSTRUCTIONS:

1. Review the Tenant's Rights in Special Detainer Actions handout (see packet for ANSWER TO FORCIBLE DETAINER).
2. Complete the Counterclaim form.
3. File the completed form together with your Answer with the Justice Court Clerk. (You will pay the \$31.00 answer fee, there is no additional fee for the counterclaim filing.)
4. Deliver a copy of the Counterclaim and Answer to the plaintiff (landlord), as instructed by the court clerk.

IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS A NOTICE OF CHANGE OF ADDRESS form must be filed with the court when a party changes their address.

Visit us at www.superiorcourt.maricopa.gov/justicecourts for additional filing information and online forms.

Counterclaimant or Attorney for Counterclaimant

Address

Maricopa County Justice Courts, State of Arizona

JUSTICE COURT

CASE NUMBER: _____

Plaintiff / Counterdefendant Name / Address

Defendant / Counterclaimant Name / Address

COUNTERCLAIM (Forcible / Special Detainer)

Defendant, having filed an answer to plaintiff's complaint, now counterclaims as follows:

Identify the breach of the Residential Landlord and Tenant Act or the breach of the rental contract that has resulted in the alleged damages that is the basis of this counterclaim:

☐ I gave the plaintiff written notice of the alleged breach. Attached is a copy of the notice that I gave.

I am asking for judgment against the counter-defendant(s) herein named in the sum of \$_____. I am also asking for costs of court incurred herein and interest at the legal rate from the date of judgment. I am entitled to this relief because:

I state under penalty of perjury that the foregoing is true and correct.

Date: _____
Counterclaimant

I CERTIFY that I mailed / delivered a copy of this COUNTERCLAIM to:

☐ Plaintiff at the above address or ☐ Plaintiff's attorney

Street _____ City, State _____ Zip _____

Date: _____ By: _____
Counterclaimant